

Guardianship and Conservatorship Program Regulations

502 ORGANIZATION AND STRUCTURE

502.1 CERTIFIED PROFESSIONAL GUARDIANSHIP AND CONSERVATORSHIP BOARD (CPGCB or Board)

The Washington State Certified Professional Guardianship and Conservatorship Board has responsibility in the state to administer CPGC discipline and has inherent power to maintain appropriate standards of practice and to conduct and to dispose of individual cases of CPGC discipline. Persons carrying out the functions set forth in these rules act under the Certified Professional Guardianship and Conservatorship Board's authority.

1. Function. The Board:

- A. Supervises the general functioning of the Standards of Practice Committee.
- B. Makes appointments, removes those appointed, and fills vacancies as provided in these rules.
- C. Performs other functions and takes other actions provided in these rules, delegated by the Supreme Court in General Rule 23, or as necessary and proper to carry out its duties.
- D. Is responsible for hearing appeals of Standards of Practice Committee decisions that are made appealable pursuant to these rules.

2. Restriction on Representing Respondents. A former member of the Board shall not represent a certified professional guardian and conservator in proceedings under the Board's regulations for at least three (3) years following expiration of the Board member's term of office. Former AOC staff shall not represent a certified professional guardian and conservator in proceedings under the Board's regulations for at least three (3) years after separation from AOC. Former members of the Board are also subject to the restrictions on representing respondents in rule 502.2(6).

502.2 STANDARDS OF PRACTICE COMMITTEE

1. **Function.** The Standards of Practice Committee performs the functions provided under these rules, delegated by the Board or the Chair, or as necessary and proper to carry out its duties. These functions include, but are not limited to investigation, review, making preliminary findings, approving Agreements Regarding Discipline, officiating over hearings, and imposing disciplinary sanctions. The Standards of Practice Committee may establish a subcommittee for the purpose of initial review of grievances for completeness, and for review of the superior court's disposition of a grievance for purposes of making a recommendation to the Board regarding dismissal or commencing an investigation.

Members shall respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the disciplinary system. Members shall not allow family, social, business or other relationships to influence their conduct or judgment.

2. **Membership.** The Chair appoints a Standards of Practice Committee from among the Board members. At least one of the members must be a certified professional guardian and conservator. The Chair may change the appointment of members to the Standards of Practice Committee as necessary for equitable distribution of work or for other reasons. The Chair does not serve on the Standards of Practice Committee. The Standards of Practice Committee shall have at least one judicial officer member and one attorney member.
3. **Terms of Office.** A Board member may serve as a Standards of Practice Committee member as long as the member is on the Board or for other shorter terms as determined to be appropriate by the Chair of the Board. The Chair of the Standards of Practice Committee may appoint Committee members to serve on a subcommittee for the periods determined to be appropriate by the Chair of the Standards of Practice Committee.
4. **Standards of Practice Committee Chair.** The Chair of the Board designates one or more members of the Standards of Practice Committee to act as its Chair and Co-chair. The Chair or Co-chair should have experience serving in a judicial, quasi-judicial capacity or other due process experience.

5. Meetings. The Standards of Practice Committee meets at times and places determined by the Standards of Practice Committee Chair(s). The Standards of Practice subcommittee meets at the times and places determined by the subcommittee members. The subcommittee shall meet at a frequency sufficient to review grievances received within thirty (30) days of receipt or as otherwise required. At the Standards of Practice Committee Chair's discretion, the Committee and subcommittee may meet and act through electronic, telephonic, written, or other means of communication.

6. Disqualification of Standards of Practice Committee Members. A Standards of Practice Committee member should disqualify him or herself from a particular matter in which the member's impartiality might reasonably be questioned, including but not limited to instances in which:
 - A. The appearance of impropriety is or could reasonably be great or have the appearance of a conflict;

 - B. The member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the matter;

 - C. The member previously served as a lawyer, CPGC, or was a material witness in the matter in controversy;

 - D. A lawyer or CPGC with whom the member works, serves or has previously served as a lawyer or CPGC concerning the matter, or such lawyer or CPGC is or has been a material witness concerning the matter;

 - E. The member has a pending grievance;

 - F. The member or relative person residing in the member's household has an economic interest in the subject matter in controversy or is a party to the matter, or has any other interest that could be substantially affected by the outcome of the matter.

502.3 CONFLICTS REVIEW COMMITTEE

1. **Function.** The Conflicts Review Committee (CRC) performs the functions provided under these rules, delegated by the Board or the Chair, or as necessary and proper to carry out its duties. These functions include but are not limited to investigation, review, making preliminary findings, approving Agreements Regarding Discipline, officiating over hearings, and imposing disciplinary sanctions involving a Board member. Members shall respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the disciplinary system. Members shall not allow family, social, business, or other relationships to influence their conduct or judgment.
2. **Membership.** The Board Chair shall appoint three members who shall not be current members of the Board. CRC members shall be familiar with guardianship and conservatorship practice in the state of Washington.
3. **Chair.** The Board Chair shall designate one member of the CRC to serve as Chair. The Chair should have experience serving in a judicial, quasi-judicial capacity or other due process experience.
4. **Confidentiality Agreement.** All proposed members of a CRC are required to sign a confidentiality agreement prior to serving.
5. **CRC Duties.** The AOC shall transmit any grievance against a Board member to the CRC when the superior court has completed its disposition or referred the grievance back to the Board. The CRC shall perform the duties that would otherwise be performed by the Standards of Practice Committee under these regulations and AOC shall support the CRC in any such grievance.

The CRC may recommend to the Board Chair that the Board member under investigation be placed on a leave of absence from the Board during its investigation.

The CRC will consider the nature of the allegations against the Board member, the available evidence regarding those allegations and the importance of maintaining public trust and confidence in the Board in making its recommendation to the Board Chair. The CRC may make such a recommendation at any time during its investigation and review of the grievance. Except as otherwise set forth in these regulations, the Board Chair shall have the sole discretion to decide whether the Board member should take a leave of absence from the Board and when the Board member may return to the Board.

6. Reimbursement. Consistent with the AOC policy, CRC members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.
7. Access to Disciplinary Information. CRC Members have access to any otherwise confidential disciplinary information necessary to perform the duties required by these rules. CRC Members shall return original files to the AOC promptly upon completion of the duties required by these rules and shall not retain copies.
8. Independence. CRC Members act independently of disciplinary counsel and the Board.
9. Board Member Responsibility. If the Board files a complaint against a Board member, the Board member shall take a leave of absence from the Board until the conclusion of the disciplinary proceeding.

502.4 DISCIPLINARY COUNSEL

The Attorney General's Office will serve as disciplinary counsel on the Board's behalf when a complaint has been filed or when requested by the Board or AOC and performs other duties as required by these rules.

502.5 RESPONDENT CERTIFIED PROFESSIONAL GUARDIAN AND CONSERVATOR

1. Right to Representation. A CPGC may be represented by counsel at the CPGC's own expense during any stage of an investigation or proceeding under these rules.
2. Restrictions on Representation of Respondent. A former Board member cannot represent a respondent CPGC in any proceeding under these rules until three (3) years after leaving the Board. A former CRC member cannot represent a respondent CPGC in any proceeding under these rules until one (1) year after the CRC has completed its work. A former AOC staff person shall not represent a respondent CPGC in any proceeding under these rules for at least three (3) years after the date of separation from AOC.
3. Restriction on Charging Fee to Respond to Grievance. A respondent CPGC may not seek to charge a grievant or an individual subject to guardianship and/or conservatorship or their property or estate a fee or recover costs from a grievant or an individual subject to guardianship and/or conservatorship or their property or estate for responding to the CPGC Board regarding a grievance.
4. Medical and Psychological Records. A respondent CPGC must furnish written releases or authorizations to permit access to medical, psychiatric, or psychological records of the certified professional guardian and conservator and the individual subject to guardianship and/or conservatorship as may be relevant to the investigation or proceeding.